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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,199	04/18/2001	Jorma Lillbacka	0122/0006	8075
21395	7590	04/02/2007	EXAMINER	
LOUIS WOO LAW OFFICE OF LOUIS WOO 717 NORTH FAYETTE STREET ALEXANDRIA, VA 22314			YEAGLEY, DANIEL S	
			ART UNIT	PAPER NUMBER
			3611	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/836,199	Applicant(s) LILLBACKA ET AL.	
	Examiner Daniel Yeagley	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/22/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-26 and 53-57 is/are pending in the application.
- 4a) Of the above claim(s) 56 and 57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-26 and 53-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Applicants' preliminary amendment filed 4/18/041 has been acknowledge, however the numerical changes requested to pages 9 through 12 were not correct.

Applicant cited page 9, line 23 and 25, to change numeral "52" to --53--; the correct page is page 10, line 5 and 7.

Applicant cited page 10, line 11, to change the phrase "Fig. 3 is" to --fig. 3 is a--, the correct page is page 11, line 21.

Applicant cited page 12, line 18, to change numeral "54" to --64--; the correct page is page 13, line 3.

Also the following grammatical errors were found:

page 4, line 24 - 25, the words "*exampelar*" and "*sans*" appear to be misspellings.

Page 7, line 9, the word "*import*" should be changed to --importance--.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 18 – 24 and 53 – 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson '781.

Anderson discloses a system which has a method of maintaining a distance between a body and side tracks (caterpillar tracks) of a vehicle that is readable on the steps as claimed and comprises at least one fluid actuated device (strut) which is operatively interposed between a body (chassis) and slide tracks (ground engaging parts; column 1, line 12-14) and has at least one fluid containing means 14 for storing fluid (i.e.; hydraulic, air or gas, column 1-6) that is used for actuating the fluid actuated device via conduit means; as shown in figure 1, which connect the fluid containing means to the fluid actuated device, and wherein a valve means 13 is interposed between the fluid containing means and the fluid actuated device, such that the valve means is selective to open a path between the fluid containing means and the fluid actuated device to move the body and effect the distance between the body the tracks, wherein the actuating system of Anderson can be used to perform the method step of actuating the valve means in response to at least the weight of the rider (sensing at least the weight of the rider utilizing ground impact energy; column 2, line 1-6; or by the operator himself by manipulation of the switch means (control unit 21)) which provides optimal riding comfort for a rider, wherein the system further comprising a processor means 22 that receives signals from sensor means positioned relative to the body, (column 3-4) to selectively provide fluid to the fluid actuated devices to effectuate the distance as broadly claimed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18 – 26 and 53 – 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogerson '498 in view of Anderson '781.

Rogerson show a snowmobile having a body coupled to a frame supported by slide tracks, and has at least one ski with a system comprising a method of connecting at least one fluid actuated device to the ski and the body, wherein the fluid actuated device being effective for stabilizing the movement of the ski (figure 1, 4 and 3), such that at least two fluid actuated devices (figure 4) are operatively interposed between the body (front portion thereof) and slide tracks (figure 1) as broadly claimed, but failed to show the system for maintaining a distance between the body and slide tracks comprising at least one fluid actuated device operatively interposed between the body and the slide tracks that selectively effect the distance between the body the slide tracks as claimed.

Anderson as stated above discloses the system as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the snowmobile of Rogerson with the combination of systems having an additional fluid actuated device to further control the distance between the body and the slide tracks of Rogerson snowmobile as suggested by the fluid actuated system of Anderson.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Bowers '099, Thompson '596, Michrina '727, Gustafsson '016, Marier '921, Noble '890 Steffen '116, Plourde '260 and Peppel et al '579 show adjustable track with respect to a body.

Kiyota et al '384 show adjustable ground engaging means with respect to a body.


McNeely 010 discloses an automatic control means for a fluid actuate device.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is (571)-272-6655. The examiner can normally be reached on Mon. - Thur..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) - 272 - 6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

D.Y.


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